



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/981,653

10/18/2001

David K. Howington

MIS-P-104

7566

32566

7590

06/30/2009

PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE, CA 95134

EXAMINER

LAstra, DANIEL

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

06/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DAVID K. HOWINGTON

Application 09/981,653
Technology Center 3600

Mailed: June 30, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER: GROUNDS OF REJECTION

The Examiner's Answer mailed on July 25, 2008, under the heading "Grounds of Rejection" the grounds of rejection are listed as follows:

Claims 7, 9-23, and 26-29 are rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's Background of the Invention in view of Blad (us 2001/0048374) and further in view of Moore (US 7,084,747);

Claims 24, 25, 30, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Background of the Invention in view of Blad (US 2001/0048374) and further in view of Moore (US 7,084,737) and the article International Game Technology (Dialogue File 545; Ref # 00850047).

The Examiner's Answer fails to include the rejection of claim 7 under 35 U.S.C. § 112, second paragraph, as provided in the Final Rejection dated December 1, 2006. Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to generate a PTOL-90 clarifying the status of Claim 7 under §112;

OR

2) vacate the Examiner's Answer mailed July 25, 2008, and generate a new Examiner's Answer setting forth the correct Grounds of rejection to be reviewed on appeal and to correct other sections of the Answer as may be required;

3) to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/pgc

PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE CA 95134